

[DRAFT WARRANT / VERSION 5 / MARCH 12, 2004]

Please Note: The Warrant remains a work in progress. This version is in numeric order, has all recommendations and assignments, and some minor changes to the zoning articles. There is still some formatting to do, as well as adding the financial information at the beginning of the Warrant. Please discard the prior version in its entirety and place this version in your notebook. Thank you.

TOWN OF ACTON

ANNUAL TOWN MEETING WARRANT



FOR APRIL 5, 2004

**THE ANNUAL TOWN MEETING WILL CONVENE AT
7:00 P.M. IN THE ACTON-BOXBOROUGH REGIONAL HIGH
SCHOOL AUDITORIUM, 96 HAYWARD ROAD**

VERY IMPORTANT NOTICE

As required by Town Bylaw, the Annual Town Meeting will officially begin April 5. However, in recognition of religious observances, the Board of Selectmen and the Moderator have agreed to a plan to have the Annual Town Meeting called to order at 7:00 P.M. on April 5, and immediately

move to adjourn the meeting to Wednesday, April 7 at 7:00 P.M. At that time, the business of Town Meeting will proceed.

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NOTICE OF MEETINGS AND ELECTION

ANNUAL TOWN ELECTION TUESDAY, MARCH 30, 2004 7:00 A.M. – 8:00 P.M.

Precinct 1 – Nagog Woods Club House – 100 Nonset Path
Precinct 2 – Conant School – 80 Taylor Road
Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 6 – Conant School – 80 Taylor Road

For assistance in determining your election voting location, please use the State Elections Division web site www.WhereDoIVoteMA.com or contact the Town Clerk's office by e-mail at clerk@acton-ma.gov or telephone at (978) 264-9615.

ANNUAL TOWN MEETING MONDAY, APRIL 5, 2004 7:00 P.M.

Acton-Boxborough Regional High School Auditorium

Note: Copies of the detailed Municipal Operating Budget are available at Town Hall, Police Station, Memorial Library and West Acton Citizens' Library. Copies will also be available at Town Meeting.

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Legend

One or more of the following symbols may follow an Article number:

<u>Symbol</u>	<u>Description</u>
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

Board of Selectmen's Message

To Be Composed

Board of Selectmen

Town Manager's Message

To Be Composed

Respectfully submitted,

Don P. Johnson
Town Manager

Municipal General Fund Spending

FY03	FY04 A-Budget	Percent Change	A-Budget Comments: Changes from the December Budget	FY04 B-Budget	Percent Change	B-Budget Comments: Changes from the A-Budget
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Municipal General Fund Spending

FY03	FY04 A-Budget	Percent Change	A-Budget Comments: Changes from the December Budget	FY04 B-Budget	Percent Change	B-Budget Comments: Changes from the A-Budget
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Finance Committee's Message

Last year, town officials promised no override for FY05. The budgets that you see before you fulfill that commitment. However, it comes at a very high cost. In balancing the budget without an override, the town will draw down, in rough numbers, \$2.2 million in free cash¹, \$240,000 from the Regional School's Excess and Deficiency (E&D)² account, but no money from the overlay surplus³. In addition, the town was fortunate to receive \$241,000 in either reduced assessment or Pothole funds related to the Minuteman Regional HS assessment. These funds are truly one time events – unlike the recurring one-time events you read about in the corporate financial reports.

For FY05, the Finance Committee supports the maximal use of free cash, use of funds from the Regional School's Excess and Deficiency (E&D) account, but no use of overlay surplus. Using these reserves combined with reductions in municipal staff and school staff, no override will be needed in FY05. However, it must be noted that little if any maintenance of a capital nature is included in these budgets. Should a major capital maintenance problem occur during the year, our ability to deal with it will be severely constrained as a result of using our reserves to fund operations. (As this message is going to press, the heating system at the Douglas school will need major repairs. Estimates are in the hundreds of thousands dollars.)

The Town will not have the aforementioned funds available in FY06. Assuming no change in state aid and no further reduction in town or school staff, the projected increases in personnel expenses, pension costs and health insurance premiums are well above 2½%. Even with reductions in personnel and programs, an override will be required since our reserves will have been depleted to a bare level. A note on the pension costs: to a large degree, the increased pension costs are due to mismanagement of the investments. This has been reported in the Boston Globe. One selectman, Trey Shupert was so vociferous in testimony before the state legislators that he was termed a pit bull. We need more pit bulls.

Depending on how you forecast reserves for FY06, the Town is left with about \$1.2 million or roughly 2% of FY05 budget in reserves. This is an extremely low level and it is for this reason that the Finance Committee did not recommend the use of \$200,000 from the overlay surplus.

A few words regarding the Pothole funds: the Finance Committee in August, 2003 identified an unjust assessment from Minuteman Regional High School based on faulty Department of Education data. With the support of the Board of Selectmen and School Committees we successfully argued the case before our legislators, applied for and received a \$200,000 award from the state's Foundation Reserve (Pothole) Fund. Specials thanks to our state Representatives Jamie Eldridge, Cory Atkins, and Senator Pam Resor for advocating Acton's case. Thanks also to Finance Committee members David Stone and Jonathan Chinitz for digging out the facts. Minuteman Regional High School also received a Foundation Reserve Fund award and distributed \$36,735 to Acton. During this process, another error was discovered in the Minuteman Assessment. Based on this correction, Acton's assessment will be reduced by another \$4,300 this year. This brings the total additional savings and revenue to over \$241,000. You can view a copy of our presentation to our legislators at:

<http://doc.acton-ma.gov/docushare/dsweb/Get/Document-2126/Minuteman.pdf>

All may not be doom and gloom. The economy is showing shows of recovery. Tax receipts for the state is improving. The Governor has committed to fully fund the School Building Assistance Program. (However, the check isn't in the mail and hasn't even been written.) The Town is blessed with many households with high wealth and income. The citizens value education and municipal services and voted

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to support overrides and capital exclusions. In February, Standard and Poor's reviewed the Town's credit rating and re-affirmed its AA+ rating.

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As we move into FY05 and plan for FY06, Acton citizens will face many difficult choices. By FY06, the town will have drawn down its reserves to a barely acceptable level. Absent a strong economic recovery, increased state aid or increased tax receipts, the citizens will have to make difficult choices in schools, municipal services and taxes, i.e. an override.

¹ Free Cash

Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation.

² Excess and Deficiency

Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts.

³ Overlay Surplus

Any balance in the overlay (An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year) account of a given year in excess of the amount remaining to be collected or abated can be transferred into this account. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue and becomes a part of free cash.

Acton Leadership Group Plan

Summary

Revenue Analysis

Acton Leadership Group Plan

Cherry Sheet Analysis

Acton Leadership Group Plan

Free Cash Analysis

Acton Leadership Group Plan
General Fund Spending Summary

Acton Leadership Group Plan
Acton-Boxborough Regional School Analysis

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Acton Leadership Group Plan
Acton-Boxborough Regional School Analysis

Version 5 – March 12, 2004 – 17



**TOWN OF ACTON
ANNUAL TOWN MEETING WARRANT**

Commonwealth of Massachusetts, ss.

To either of the Constables of the Town of Acton, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

Precinct 1 – Nagog Woods Club House – 100 Nonset Path
Precinct 2 – Conant School – 80 Taylor Road
Precinct 3 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 4 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 5 – Blanchard Auditorium, R. J. Grey Junior High School – 12 Charter Road
Precinct 6 – Conant School – 80 Taylor Road

On Tuesday, March 30, 2004 between 7:00 A.M. and 8:00 P.M., by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the thirtieth day of March 2004,

To bring their votes on one ballot for the following officers:

Moderator for one year, two Selectmen for three years, two members of the School Committee for three years, one Trustee of the Memorial Library for three years, one member of the Housing Authority for two years.

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In addition, the Acton Water District will elect a Commissioner for three years.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 5, 2004, at 7:00 P.M.**, then and there to act on the following articles:

Legend

One or more of the following symbols may follow an Article number:

<u>Symbol</u>	<u>Description</u>
*	This article is on the Consent Calendar
#	This article submitted by Citizen Petition

Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

The Consent Calendar will be taken up as the first order of business.

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager's Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 264-9612, before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If two or more voters object to any particular Article being included in the Consent Calendar, they should say the word "**Hold**" in a loud voice when the number is called. The Article is then removed from the Consent Calendar and restored to its original place in the Warrant, to be debated and voted in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the list of articles and motions proposed for each Consent item that follows. Complete summaries are included with each article printed in this warrant.

Consent Calendar Articles and Motions

Article 3 * Council on Aging Van Enterprise Budget

Move that the Town appropriate \$74,411 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$49,411 be transferred from the Council on Aging Enterprise Fund, \$15,000 be transferred from the Audubon Hill Gift Account and \$25,000 be raised and appropriated.

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Article 4 * Nursing Enterprise Budget

Move that the Town appropriate \$608,490 for the purpose of operating the Public Health Nursing Service, and to raise such amount, \$608,490 be transferred from the Nursing Enterprise Fund.

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Article 5 * Septage Disposal Enterprise Budget

Move that the Town appropriate \$209,399 for the purpose of septage disposal, and to raise such amount, \$209,399 be transferred from the Septage Disposal Enterprise Fund.

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Article 6 * Sewer Enterprise Budget

Move that the Town appropriate \$1,534,115 for the purpose of operating the sewer system, and to raise such amount, \$1,534,115 be transferred from the Sewer Enterprise Fund.

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Article 8 * Section 53E½ Self-Funding Programs

Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY04 in the amounts and for the purposes set forth in the expense column of this Article.

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Article 9 * Chapter 90 Highway Reimbursement Program

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Move that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

Article 10 * Insurance Proceeds

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Move that the Town Manager is authorized to accept insurance proceeds from all sources and such funds are hereby appropriated.

Article 11 * Federal and State Reimbursement Aid

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Move that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and such funds are hereby appropriated for the purposes outlined by such reimbursement.

Article 12 * Sale of Foreclosed Properties

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Move in the words of the Article.

Article 13 * Transfer of Funds, Cemetery Land Fund

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Move that the Town appropriate \$100,000 from the Cemetery Land Fund, to be expended by the Town Manager, for the development and landscaping of Section 9, Mount Hope Cemetery, and for general improvements in the Cemeteries.

Article 14 * Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986

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Move that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

Article 16 * Town Board Support – Special Projects

Move that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

Article 41 * Amend Zoning Bylaw – Housekeeping

Move to adopt the bylaw amendments as set forth in the Article.

Article 44 * Street Acceptance – Bellows Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 45 * Street Acceptance – Maple Creek Farm Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 46 * Street Acceptance – North Acton Woods Subdivision

Move that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

Article 47 * Land Gift – 190 Arlington Street

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Move to accept the land as set forth in the Article.

Article 48 * Land Gift – North Acton Woods Subdivision

Move to accept the land as set forth in the Article.

Article 49 * Squirrel Hill Road Drainage Easement

Move to accept the easement as set forth in the Article.

Article 50 * Sidewalk Easement – Arlington Street

Move to accept the easement as set forth in the Article.

Article 51 * Amend Town Charter

Move to adopt the Charter amendments as set forth in the Article.

Donald MacKenzie
Town Moderator

Articles

ARTICLE 1. CHOOSE TOWN OFFICERS

(Majority vote)

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To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

Moderator	\$20.00 per Town Meeting session
Board of Selectmen, Chairman	\$750.00 per year
Board of Selectmen, Member	\$650.00 per year

, or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

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Selectman assigned: [F. Doré Hunter](#) – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 2. HEAR AND ACCEPT REPORTS

(Majority vote)

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To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

SUMMARY

This article provides for the acceptance of the Annual Town Report, any other reports Town Boards and Committees may need to offer, and to offer for acceptance, any reports of committees chosen at previous Town Meetings.

Selectman assigned: [Walter Foster](#) – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

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To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$74,411, or any other sum, to operate the Senior Van Service, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation to fund van service for use by senior citizens and disabled citizens of the Community. This article requests that \$74,411, inclusive of fares from the users of the van's service and \$15,000 from the Audubon Hill Gift Account, be used for maintaining the service. This 40-hour per week van service is funded by the Federal, State and Local Governments. 50% of the service is paid by Federal funds, 25% of the service is paid by the Commonwealth, and the final 25% is absorbed by the Town. Fare rates are determined by the Lowell Regional Transit Authority. Revenues will be used to reduce the Town's share of total costs. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$8,634	<u>\$72,200</u>	\$72,200	<u>\$8,634</u>	<u>\$65,777</u>	\$74,411	\$0

Direct inquiries to: Jean Fleming, Director, Council on Aging
seniorcenter@acton-ma.gov / (978) 264-9643

Selectman assigned: F. Doré Hunter – E-mail: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

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ARTICLE 4* NURSING ENTERPRISE BUDGET

(Majority vote)

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To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$608,490, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$362,042	\$583,704	\$583,704	\$362,042	\$608,500	\$608,490	\$362,052

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 264-9634

Selectman assigned: [F. Doré Hunter](#) – E-mail: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

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ARTICLE 5* **SEPTAGE DISPOSAL ENTERPRISE BUDGET**
(Majority vote)

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To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$209,399, or any other sum, for the purpose of septage disposal, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town's septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$78,495	\$222,414	\$222,414	\$78,495	\$209,399	\$209,399	\$78,495

Direct inquiries to: Doug Halley, Health Director: health@acton-ma.gov / (978) 264-9634

Selectman assigned: F. Doré Hunter – E-mail: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

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ARTICLE 6* SEWER ENTERPRISE BUDGET

(Majority vote)

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To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,534,115 or any other sum, for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests monies for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees.

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$585,516	\$1,404,437	\$1,454,750	\$535,203	\$1,534,115	\$1,534,115	\$535,203

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: William Shupert – E-mail: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Recommended**

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ARTICLE 7 NESWC ENTERPRISE BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$4,615,844, or any other sum, for the purpose of solid waste disposal in accordance with Massachusetts General Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests funding for the Town's solid waste disposal and recycling operation. This year's request covers day-to-day operations and funds the replacement of needed pieces of equipment and some amount to fund the study of future solid waste disposal options. The Citizens of Acton fund approximately \$375,000 (from fees) of the cost of operations. \$4,240,844 (92%) of the requested appropriation is funded by non-citizen fees and fund balance. Fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees. It is anticipated that the fund balance will be consumed by future increases in dumping fees to be incurred between now and the end of the NESWC Contract in September 2005. Fund status is noted below (for Budget detail see Municipal Supplement).

Fund Balance 6/30/03	Budgeted Revenue FY04	Budgeted Expense FY04	Est. Fund Balance 6/30/04	Budgeted Revenue FY05	Budgeted Expense FY05	Est. Fund Balance 6/30/05
\$3,280,835	\$3,691,000	\$4,091,013	\$2,880,822	\$2,625,000	\$4,615,844	\$899,978

Direct inquiries to: John Murray, Assistant Town Manager
manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Robert Johnson: bos@acton-ma.gov

Recommendations: **Board of Selectmen** **Finance Committee**
 Recommended **Deferred**

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ARTICLE 8* SECTION 53E½ SELF-FUNDING PROGRAMS

(Majority vote)

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To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY05 Estimated Revenue	FY05 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	<u>\$150,000</u>	<u>\$150,000</u>
Merriam Mornings/Afternoons/Summer	<u>\$40,000</u>	<u>\$40,000</u>
Gates Amazing Programs	<u>\$40,000</u>	<u>\$40,000</u>
Historic District Commission	\$600	\$600
Building Department	\$166,100	\$166,069
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
Sealer of Weights and Measures	\$11,000	<u>\$10,701</u>
Health Department		
Food Service Inspections	\$20,100	\$20,089
Hazardous Materials Inspections	\$84,100	\$84,088
Fire Department		
Fire Alarm Network	\$48,600	<u>\$48,525</u>
Ambulance Fees	\$402,000	\$402,000

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, or take any other action relative thereto.

SUMMARY

This article allows the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department inspectional programs, Sealer of Weights and Measures services, specified ongoing Health inspectional programs, Ambulance Fees and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period.

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(For Budget Detail, excluding School Programs, please see Municipal Budget Supplement)

	FY 2002 Actual Revenue	FY 2002 Actual Expense	Fund Balance 6/30/2002	FY 2003 Budgeted Revenue	FY 2003 Budgeted Expense	FY 2003 Est. Fund Balance	Actual Revenue 2/21/2003	Actual Expense 2/21/2003
School Department¹								
Douglas at Dawn/Dusk	\$85,765	\$57,548	\$50,623	\$85,000	\$85,000	\$50,623	\$62,419	\$38,364
Merriam Mornings/Afternoons/Summer	\$0	\$0	\$0	\$30,000	\$30,000	\$0	\$3,810	\$3,810
Gates Amazing Mornings/Afternoons	\$0	\$2,454	\$8,460	\$30,000	\$30,000	\$8,460	\$3,447	\$1,867
Historic District Commission²	\$140	\$58	\$564	\$600	\$600	\$564	\$20	\$12
Building Department²	\$119,202	\$79,160	\$99,319	\$135,000	\$137,630	\$96,689	\$56,749	\$121,418
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees								
Sealer of Weights and Measures²	\$12,066	\$6,806	\$7,987	\$10,000	\$10,012	\$7,975	\$707	\$6,276
Health Department²								
Food Service Inspections	\$22,274	\$21,171	\$21,467	\$21,976	\$22,602	\$20,841	\$19,625	\$12,892
Hazardous Materials Inspection	\$26,407	\$60,911	\$13,187	\$62,337	\$62,337	\$13,187	\$4,550	\$13,494
Fire Department²								
Fire Alarm Network	\$51,586	\$32,504	\$67,623	\$45,045	\$45,045	\$67,623	\$2,400	\$22,079

All Monetary Figures Rounded to the Nearest Dollar

Direct inquiries to:

¹ Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700

² John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

[NOTE TO STAFF: Need to replace the above chart, and add Amb. fees]

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ARTICLE 9* CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM

(Majority vote)

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To see if the Town will vote to raise and appropriate, or appropriate from available funds, a sum of money for highway improvements under the authority of Massachusetts General Law, Chapter 90, and any other applicable laws, or take any other action relative thereto.

SUMMARY

Each year, the State provides communities with 100% reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under the so-called "Chapter 90" Program. This process is not completed until after Acton's Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were to not adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Robert Johnson – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 10* INSURANCE PROCEEDS

(Majority vote)

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To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursement of costs incurred as a result of any covered loss during the remainder of fiscal year 2004 and all of 2005, or take any other action relative thereto.

SUMMARY

According to Massachusetts General Law, reimbursements received from insurance carriers in excess of \$20,000 require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Robert Johnson – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

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ARTICLE 11 * FEDERAL AND STATE REIMBURSEMENT AID
(Majority vote)

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To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence during fiscal year 2005, or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) each provide planning and mitigation monies to cities and towns, and each reimburses for certain costs during declared emergencies. In addition, monies may be distributed for Homeland Defense, other Federal programs and other State programs. This article would authorize the Town to expend all such reimbursements.

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Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Peter Ashton – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 12 * SALE OF FORECLOSED PROPERTIES
(Majority vote)

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To see if the Town will vote to authorize the Board of Selectmen to dispose of foreclosed properties acquired by the Town for nonpayment of taxes in accordance with the provisions of Massachusetts General Laws, or take any other action relative thereto.

SUMMARY

This article grants authority to the Board of Selectmen to sell and convey properties that the Town has obtained via tax foreclosure.

Direct inquiries to: John Murray, Assistant Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Peter Ashton – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

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ARTICLE 13* TRANSFER OF FUNDS – CEMETERY LAND FUND

(Majority vote)

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To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$100,000, or any other sum, to be expended by the Town Manager for the development and landscaping of Section 9, Mount Hope Cemetery, and for general improvements in the cemeteries, or take any other action relative thereto.

SUMMARY

This article will provide funds to develop a new section of approximately 1,500 grave spaces at Mount Hope Cemetery. It will also allow for some general improvements in the cemeteries such as replacing damaged trees and shrubs and repairing roadways.

Direct inquiries to:

Selectman assigned: Peter Ashton – Email bos@acton.ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 14* ELDERLY TAX RELIEF

(Majority vote)

REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986

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To see if the Town will vote to continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions, or take any other action relative thereto.

SUMMARY

This is a reauthorization of an ongoing program of tax relief for certain qualifying individuals that was adopted by Town Meeting in 1999. Section 4 of Chapter 73 of the Acts of 1986 authorized Towns that annually accept the provisions of this law to grant additional real estate tax exemptions for qualifying individuals. These additional exemptions are available to the elderly, disabled or veterans who qualify for property tax exemptions under Clauses 17, 17C, 17C½, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5, Chapter 59 of the Massachusetts General Laws. This article will continue to provide additional tax relief to qualified individuals by increasing the exemptions to the maximum allowable under the law.

Direct inquiries to: Brian McMullen, Assistant Assessor: assessor@acton-ma.gov / (978) 264-9622

Selectman assigned: Peter Ashton – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

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To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the school budgets, or take any other action relative thereto.

SUMMARY

This article requests funds for the fiscal year 2005 (July 1, 2004-June 30, 2005) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements; property, liability and contents insurance on school buildings; pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional school employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as Cemetery Trust Funds and Wetland Filing Fees. Budget detail provided in the Municipal Budget Supplement is available at the Memorial Library, West Acton Citizens' Library, Police Station, Town Hall and at the Polling Places on March 30, 2004. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager – manager@acton-ma.gov – (978) 264-9612

Selectman assigned: Walter Foster – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	<u>Recommended</u>	<u>Recommended</u>

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ARTICLE 16 * TOWN BOARD SUPPORT – SPECIAL PROJECTS
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: Don P. Johnson, Town Manager: manager@acton-ma.gov / (978) 264-9612
Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

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ARTICLE 17
(Majority vote) **COMMUNITY PRESERVATION PROGRAM**
DIRECT APPROPRIATIONS FROM FUND BALANCE

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2003 Community Preservation Fund Balance the following amounts for community preservation purposes with each item considered a separate appropriation:

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Purpose	Recommended Amounts
Set Aside Appropriation – Open Space	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration	\$ 200,000
Spending Appropriations	
B. Davis Monument Restoration	\$ 50,000
C. Cultural Resource List Revision and Expansion	\$ 20,000
D. Historic District Boundary Signs	\$ 8,285
E. Flag Preservation	\$ 5,600
F. Assabet River Rail Trail	\$ 170,000
G. T. J. O’Grady Memorial Skate Park	\$ 67,000
H. Morrison Farm Master Plan	\$ 59,800
I. Family Housing Initiative	\$ 200,000
J. 214 Central and 28 Willow Streets Feasibility Study	\$ 25,000
K. Community Housing Fund	\$ 25,000
Administrative Spending Appropriation	
L. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 42,798

And, whereas Massachusetts General Law, Section 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing.

And, whereas the recommended set-aside appropriation for open space amounts to 21.2% of the Fund Balance, the recommended project appropriations B, C, D, E and \$10,561 of F for historic preservation amount to 10% of the Fund Balance, and the recommended project appropriations I, J, and K for community housing amount to 26.5% of the Fund Balance.

And, whereas Town Meeting may vote to delete or reduce any of the recommended amounts.

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2003 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$94,446.00) for open space, not less than 10% (\$94,446.00) for historic preservation, and not less than 10% (\$94,446.00) for community housing.

, or take any other action relative thereto.

SUMMARY

This article would make appropriations from the Town's Community Preservation Fund. In 2002, the Town adopted the Community Preservation Act, Massachusetts General Laws Chapter 44B. This established Acton's Community Preservation Fund through a 1.5% annual surcharge on real estate property tax bills with certain exemptions, and made the Town eligible to receive annually additional monies from the Massachusetts Community Preservation Trust Fund, which are added to the Town's Community Preservation Fund. Under the law, the Community Preservation Fund may be used to acquire, create and preserve open space; acquire, preserve, rehabilitate, and restore historic resources; create, preserve and support community housing; acquire, create and preserve land for recreational use; and for certain related expenses in support of the foregoing. Community housing is defined as housing for low- and moderate-income individuals and families.

Local adoption of the Community Preservation Act established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund. In addition, the Community Preservation Committee will oversee and monitor progress of funded community preservation projects.

The Committee first convened in February 2003. In October, it published its 2004 Community Preservation Plan with guidelines for the submission of projects seeking community preservation funds. By November 14, 2003, it had received fourteen funding applications for proposed community preservation projects. The Committee reviewed all proposals, interviewed the respective proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under M.G.L. Ch. 44B.

For its first year, FY 2003, the surcharge raised \$470,991.16 and the Town received \$473,464.55 in State funds to bring the Town's total FY 2003 Community Preservation Fund balance to \$944,455.71. Ch. 44B requires that the Community Preservation Committee recommends in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund for each of the following: Open space (not including land for active recreation purposes); historic preservation; and community housing. It may recommend the taking by the Town of interest in real property, the set-aside of funds for later spending, and appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses.

This article represents the Community Preservation Committee's spending recommendations from the Community Preservation Fund balance. Except for recommended set-asides for future spending, all recommended amounts should be considered as upper spending limits for the respective projects. The Community Preservation Committee's intent is to monitor all projects and to maximize savings wherever possible. Savings will be available for future appropriations. Not all projects that were proposed to the Community Preservation Committee are recommended for funding, and some of the recommended projects are not recommended at the funding level that their proponents had requested.

A. Open Space Set-Aside

This item appropriates a set-aside fund from which Town Meeting may appropriate spending in future years for the purpose of acquisition, creation, and preservation of open space and the rehabilitation and restoration of such open space.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

B. Davis Monument Restoration

The 75-foot high Davis Monument commemorates the sacrifices of the Acton Minutemen in the Revolutionary War battle at the North Bridge in Concord in April 1775. It is the single most significant architectural feature in the Town. It is the focal point of the Town Common, and it is on the Town Seal. Built in 1854, the monument has not received significant maintenance in thirty years. The requested appropriation will enable the Town to contract masonry repairs as outlined in a report by Turk Tracey & Larry Architects, LLC in 2002 to prevent damage from ice and water intrusion.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

C. Cultural Resource List Revision and Expansion

The Cultural Resource List is compiled by the Historical Commission and contains properties that are historically and culturally significant to the Town. As the town board responsible for community-wide preservation planning, the Historical Commission is charged under MGL Ch. 40, Section 8d with planning for the identification, evaluation, and protection of the community's historic and cultural resources. As the first step in this effort, the Historical Commission is expected to survey the community and compile, maintain, and periodically update an inventory of the town's historic and cultural assets, utilizing official inventory documentation forms.

Acton's historic/cultural survey was last revised in the early 1990s. At that time it included properties of significant historical value up to the late 1920s, but many properties from the late 19th- through the second quarter of the 20th centuries, structures such as bridges and dams, important outbuildings and historic landscapes still remain to be documented. The guidelines for historic properties surveys that are issued by the Massachusetts Historical Commission call for the local Historical Commission to make sure that all property types are surveyed, including clusters of related historic resources such as East Acton Village.

The requested appropriation would allow the Town to hire a historic preservation specialist to prepare official historic survey and inventory forms for approximately 100 properties, including many already on the Cultural Resource List, but presently without or with inadequate documentation forms.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Deferred

D. Historic District Boundary Signs

Acton has three Historic Districts: the South Acton, West Acton, and Acton Center Historic Districts. The requested appropriation will fund the Acton Historic District Commissions efforts to purchase up to 25

historic marker signs and to install up to 22 signs at Historic District boundary locations along primary and secondary roads and highways. Three signs, one for each district, would be held in reserve for replacements as needed.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

E. Flag Preservation

In 1889 William Allan Wilde gifted the Acton Memorial Library to the Town of Acton in honor of Acton's Civil War dead and veterans. The library stores about 150 Civil War era and related artifacts, including an American flag of the Isaac Davis Post of the Grand Army of the Republic veterans' organization. The flag dates from the early 20th century and was given to the Memorial Library in 1947. Generally in good condition for its age, it has damage from use and time in storage such as stains and stress tears on the fabric. The requested appropriation will contribute to the Memorial Library Trustees' endeavor to professionally restore the flag and to display it in a protective casing on a wall in the library. The project is estimated to cost between \$7,800 and \$8,300. The Memorial Library Trustees will fund from gifts the difference between the recommended appropriation and the estimated total cost.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

F. Assabet River Rail Trail

The 12.5-mile Assabet River Rail Trail (ARRT) runs from Acton via Maynard, Stow, and Hudson, to Marlborough. The five communities have jointly advanced the trail since 1995. To date, the ARRT has received roughly \$2 million in public and private funding, donations, and commitments. Acton Town Meeting has appropriated a \$30,000 local share for trail acquisition in 1998, which leveraged \$150,000 in Federal funds earmarked for acquisition in Acton. Today, a section of the ARRT in Marlborough is finished. Another through Hudson is under construction. Several other parts have been reassembled from private ownership. Acquisitions in Acton are drawing to a close.

Acton's 1.3-mile/7.9-acre portion of the ARRT begins at the South Acton commuter rail station, crosses the active track on Main Street and follows an old railroad right-of-way from Maple Street, south and parallel to Main Street, to the Maynard line. Near Maynard, a commercial building obstructs the former rail line, but there is an agreement with the landowner on an easement detour.

The requested appropriation is the local match that would position the Town competitively to leverage Federal transportation funds for the design and construction of the ARRT in Acton, estimated to cost a total of \$1.42 million.

Construction of the trail will preserve the old railroad right-of-way as part of South Acton's history and make the corridor accessible to the public for enjoyment of the Mill Pond and nearby farm fields. It is anticipated that construction of the ARRT will restore the timber trestle across Mill Pond and remnants of an old turntable near Maple Street. Heavily subsidized with federal funds for their value as transportation alternatives, rail trails are equally important recreation facilities. The ARRT offers opportunities for recreational biking, walking, rollerblading, and cross-country skiing in winter.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

G. T. J. O'Grady Memorial Skate Park

In 2001, the Town appropriated from general fund revenues \$80,000 for the development of the T. J. O'Grady Skate Park. In 2003, the Town acquired from the State for recreation purposes a 1-acre property at 66 Hayward Road with the intention of locating the skate park on it. The site (plate F-3, parcels 16 and 16-1 on the 2003 Town Atlas) is within walking distance from the Senior and Junior High Schools. The Town and T. J. O'Grady Memorial Skate Park, Inc. have collaborated in designing a park for the selected site. Functionality, safety, and durability were the major considerations in the design of the park and the selection of preferred construction materials. The requested appropriation will supplement the Town's previous appropriation and funds raised and to be raised by T. J. O'Grady Memorial Skate Park, Inc. from other sources. The total cost of the skate park is estimated to be approximately \$285,000.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

H. Morrison Farm Master Plan

In 1997 the Town purchased the Morrison Farm at 116 Concord Road as general municipal land with the vision that it would provide much needed recreation field space while preserving a substantial tract of open space and retaining the rural character of the farm. The 32-acre property is shown on the 2003 Town Atlas on plate F-4 as parcel 34. It has a house and barn near Concord Road, open fields alongside Ice House Pond, and woods in the rear. The requested appropriation will fund a master plan for the Morrison Farm and the land and resources surrounding it, such as the nearby East Acton Village, the proposed East Acton Village Green, the proposed Bruce Freeman Rail Trail, Ice House Pond, and Nashoba Brook. A master plan is necessary to fully understand the land's potential within its geographic and community context. The planning process is envisioned as a collaboration of interested citizens developing in open meetings a vision for the land. A professional land development consultant would assist in this effort.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

I. Family Housing Initiative

The Acton Housing Authority manages 39 family rental units in Acton. The waiting list for such units currently registers 1044 families, 60 from Acton. The requested appropriation will be combined with a private \$300,000.00 contribution to the Acton Housing Authority to purchase two existing 2- to 3-bedroom condominium units that will be permanently restricted as affordable housing and managed by the Acton Housing Authority. The Housing Authority has received permission from the Massachusetts Department of Housing and Community Development to add these units to the State-aided public housing inventory under the Chapter 705 housing program for families, under which the State will assume the units' ongoing maintenance, administrative, and other costs.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

J. 214 Central and 28 Willow Streets Feasibility Study

The requested appropriation will enable the Acton Community Housing Corporation (ACHC) to hire a professional consultant to study the feasibility of creating three or more affordable housing units on one property located at 214 Central Street and 48 Willow Street. The site is shown on the 2003 Town Atlas plate F2-B as parcels 64 and 65. The study will examine all aspects of the potential project, including neighborhood feedback, funding sources, design options, unit mix, and financial viability. Should the project be found feasible and proceed, it would create needed affordable housing and improve the neighborhood by replacing run-down garages with new residential infill. The site is ideally located amongst a mix of single- and multi-family homes within walking distance of West Acton Village.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

K. Community Housing Fund

This requested appropriation will create an endowed reserve fund to receive in the future other funds in support of community housing from private donations and gifts, excess profits from Ch. 40B projects, foundations, and federal, state, and local funding programs, including possible future appropriation from the Community Preservation Fund. The Community Housing Fund would be used by the Acton Community Housing Corporation (ACHC), or any other entity that the Board of Selectmen may determine, in support of community housing for purposes allowed under the Community Preservation Act, including but not limited to acquisitions, rehabilitations, and conversions of existing housing stock, new development, refinancing or repurchase of existing affordability restrictions about to expire, purchase of new affordable housing deed restrictions, accessibility modifications of affordable units for persons with disabilities, and assistance to low- and moderate-income buyers with mortgage costs, down payments or closing costs. The Community Housing Fund would be established as a special fund of the Town of Acton under the control of the Board of Selectmen.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

L. Administrative and Operating Expenses

The Community Preservation Act allows up to 5% of the annual community preservation funds to be expended for administrative and operating costs of the Community Preservation Committee and Program. The requested appropriation is 4.5% of the 2003 Community Preservation Fund. It will reimburse the Town for staff support time and software expenses incurred during the initial set-up of the Community Preservation Program, staff support time to run and maintain the Community Preservation Program, and to support the Community Preservation Committee since its inception, and costs for legal advice to the Community Preservation Committee.

Direct Inquiries to: Roland Bartl, AICP, Town Planner: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: Walter Foster: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

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ARTICLE 18. BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds, the sum of \$25,000, which is being held as insurance reimbursement for mold mitigation at the Gates School during fiscal year 2004, or take any other action relative thereto.

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SUMMARY

This article is routinely placed on the Warrant to allow Town Meeting to transfer funds and supplement monies, if necessary, to cover needed expenses in the current fiscal year.

Direct inquiries to:

Sharon Summers, School Finance Director: ssummers@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

ARTICLE 19. ACTON PUBLIC SCHOOLS BUDGET
(Majority vote)

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To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton Public School System, or take any other action relative thereto.

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SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Town of Acton Local Schools' Operating Budget.

Direct inquiries to: Bill Ryan, Superintendent of Schools: bryan@mail.ab.mec.edu / (978) 264-4700

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 20
(Majority vote)

HEATING SYSTEM REPAIRS – DOUGLAS ELEMENTARY SCHOOL

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, to pay for costs of repairs to the heating system at the Douglas Elementary School, including the payment of all other costs incidental and related thereto; to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing, by debt exclusion, by capital exclusion or otherwise, or to take any other action relative thereto.

SUMMARY

[To be determined]

Direct Inquiries to:

Selectman assigned: Peter Ashton: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Deferred

ARTICLE 21
(Majority vote)

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SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Acton-Boxborough Regional School District Assessment.

Deleted:

Selectman assigned: Peter Ashton – E-mail: bos@acton-ma.gov

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Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 22
(Majority vote)

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To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

SUMMARY

This article requests funds for fiscal year 2005 (July 1, 2004-June 30, 2005) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Deleted: , or “bill”.

Direct inquiries to: Dr. Ronald Fitzgerald, Superintendent: rfitzgerald@minuteman.org / (781) 861-6500
Selectman assigned: Peter Ashton – E-mail: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Deferred	Recommended

ARTICLE 23 # AMEND ZONING BYLAW – 80 AND 84 PIPER ROAD
(Two-thirds vote)

To see if the Town of Acton will vote to amend the zoning map as follows:

Rezone to R-2 (Residence 2) the following parcel or parcels of land identified by their map and parcel number as shown in the 2003 Town Atlas. Map G3, parcels 69 and 65, present zoning OP-2 (Office Park 2), 80 and 84 Piper Road (see grid to Abstract of April 1, 1996 Annual Town Meeting), said parcels directly abutting other parcels which were rezoned to R-2 (Residence 2) by Special Town Meeting of January 8, 2001, or to take any other action relative thereto.

SUMMARY
(By Petitioner)

Inserted by Citizen Petition

Direct inquiries to: Linda A. Melon

Selectman assigned: F. Doré Hunter – bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Recommended	Not Recommended	Not Recommended

[NEED A SUMMARY AND/OR CONTACT INFO
Carlos Melon 263-0419]

ARTICLE 24 # AMEND ZONING BYLAW
(Two-thirds vote) **VEHICLE WHOLESALE AND STORAGE AS AN ACCESSORY USE**

To see if the Town of Acton will vote to amend the zoning bylaw, section 3.8.2 (ACCESSORY USES permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.7 as follows:

- 3.8.2.7 In the Light Industrial District and on contiguous adjacent land for which the Board of Appeals has previously granted a USE variance permitting a USE allowed in the Light Industrial District, the purchase of new vehicles; the wholesale, but not retail sale, of used vehicles; and the temporary outdoor storage of such new and used vehicles provided that:
- 3.8.2.7.1 The LOT, or the property consisting of two or more contiguous LOTS in single ownership, contains at least 15 acres.
 - 3.8.2.7.2 Such USE is accessory to an operations center and offices of a vehicle rental or leasing company.
 - 3.8.2.7.3 Such vehicles are at all times registered with the Commonwealth of Massachusetts Registry of Motor Vehicles while on the premises.
 - 3.8.2.7.4 No such vehicle exceeds a gross vehicle weight of 10,000 pounds and a wheel base of 135 inches.
 - 3.8.2.7.5 All such vehicles are stored in the rear yard out of sight and fully screened from view from any STREET.
 - 3.8.2.7.6 All such vehicles are stored at least 200 feet away and fully screened from view from any pre-existing dwelling that is not on the same LOT or property.
 - 3.8.2.7.7 The transport and loading/unloading of such vehicles to and from the LOT or property occurs only on weekdays between the hours of 6:00 AM and 9:00 PM.
 - 3.8.2.7.8 The storage of such vehicles may use vacant or excess parking capacity that, regardless of the requirements of section 6 of this bylaw, is not needed for employees and customers of the businesses on the LOT or property.

, or take any other action relative thereto.

SUMMARY
(By Petitioner)

This article affects the Light Industrial zoning district and some adjacent residential land off Main Street in South Acton that is subject to a Board of Appeals Use Variance allowing industrial and business uses on it. In those areas, the article would allow the incidental and temporary storage and the incidental wholesale of automobiles as part of the regional headquarters of a car rental and leasing company on the same property. The proposed limitations and requirements will ensure proper screening of the vehicle storage areas, limit the loading and unloading of vehicles to weekday daytime hours, and distinguish this from a car dealership by prohibiting retail sales.

For 2 ½ years, Enterprise Rent-A-Car's Regional Headquarters has been based at 20 Main Street, Acton located in the Light Industrial zoning district. Recently, Enterprise has decided to consolidate their wholesale division with their main offices whose functions include Human Resources, Facility Management and Accounting. In doing so, Enterprise requires a facility which can accommodate the storage of up to 200 cars. This article proposes to provide this accommodation.

These cars represent those members of the Enterprise fleet which are being returned back to GM Motors, Ford, Chrysler and all other major manufacturers or being sold to car dealerships where they will be re-

sold to the public. Enterprise needs to be able to temporarily store them on site while the paperwork for their redistribution is being completed. These cars are only on the premises an average of 2-3 months of the year. Enterprise would have an average of 20-50 cars on the premises during most of the year.

Most of the cars being sent from Enterprise’s local rental offices to their Headquarters for processing are driven by individual hired drivers and would not require the use of a truck for delivery to the offices at 20 Main Street.

Even though these cars are out at Enterprises’ rental offices and are not located within the town of Acton for the majority of their shelf life, Enterprise has agreed to register at least enough of their retired fleet to bring in \$100,000-\$150,000 in additional excise tax revenue to the Town of Acton each year. This number should increase over the next few years due to an increased average cost per car and the excise tax rate. Any expected increase in the excise tax revenue these cars would bring in would not be due to an increase in the number of cars stored, as the storage needs would remain at 200. There would be an average of 20-30 cars parked out in back of 20 Main Street most of the time and then usually only for several days until the paperwork is completed.

Inserted by Citizen Petition

Direct Inquiries to: John Anderson: (978) 263-2198 x222
Selectman assigned: William Shupert: bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
	Deferred	Deferred	Recommended

.....

ARTICLE 25 **PROVISION FOR HOURS OF OPERATION OF**
(Majority Vote) **NON-RESIDENTIAL OUTDOOR LIGHTING**

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¶

[Please note: The Board of Selectmen and the Outdoor Lighting Advisory Committee agree that the Motion for this Article will be to "Take no action." This Article is included in the Warrant for your information regarding the Committee and its work.]

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To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E58 as follows:

E58. Hours of Operation of Non-Residential Outdoor Lighting:

A. Purpose:

The purpose of these regulations is to reduce late night glare, light trespass, and sky glow caused by outdoor lighting that is not used for public safety and property security.

B. Applicability:

Except as provided under Exemptions below, the following hours of operation regulations, Section D below, shall apply to all outdoor lights in Acton whose lamp wattage exceeds the values contained in the following Table.

<i>Lamp type</i>	<i>Wattage</i>
Incandescent, Halogen	60 w
High Pressure Sodium, Metal Halide, Mercury Vapor, other HID	35 w
Fluorescent, Low Pressure Sodium	13 w

C. Effective Dates:

Starting on January 1, 2006, the hours of operation regulations shall apply to all existing and new outdoor luminaries. A luminaire is a complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.

Deleted: 1. Starting on April 15, 2004, the hours of operation regulations shall apply to all new and replacement outdoor luminaires.¶
2. .

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Deleted: , and replacement outdoor lights.

D. Hours of Operation of Outdoor Lights:

1. All outdoor lights may be turned on no earlier than one hour before Business Hours and shall be turned off no later than 11 PM or one half an hour after the end of business hours, whichever is later. Business Hours shall be defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the lot or in a structure on the lot.
2. Outdoor lights for recreational facilities shall be turned off no later than one half-hour after the end of use or activities.

E. Exemptions:

1. Streetlights and other lights within a street or public right of way.
2. Lights on single-family and two-family residential lots and properties.
3. Safety lights, which shall be defined as lights to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lights for the purpose of aiding the visible detection and recognition of other persons, including lights for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.

4. Security lights, which shall be defined as lights to protect buildings, and property stored outdoors.
5. Lights in existence or installed before January 1, 2005 that do not meet the definition of safety or security lights and are connected by a single outside circuit to safety or security lights. No new such common outside circuits shall be allowed thereafter.
6. Lights controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation. The motion detector shall be adjusted so that normal movement of vehicles and traffic along a street or public right of way shall not cause its activation.
7. Lights that illuminate the United States Flag and public monuments.
8. Warning and alarm lights that alert to a malfunction or emergency situation.

F. Enforcement

The Town of Acton Building Commissioner shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of ~~twenty-five~~ dollars (~~\$25.00~~). Each day that such violation continues shall constitute a separate offense.

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, or take any other action relative thereto.

SUMMARY

If adopted, this article will establish regulations for the hours of operations for new and existing outdoor lighting. Outdoor lighting would be limited to business hours as defined in the article. Lights with low wattage and lumen output are not subject to the regulations. Also exempt are streetlights, light on single-~~and two~~-family residential properties, and lights necessary for security and safety, among others. The regulations would become effective ~~on~~ January 1, 2006. ~~This article was developed by the Outdoor Lighting Advisory Committee (OLAC).~~

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Direct Inquiries to: Roland Bartl, AICP, Town Planner: planning@acton-ma.gov / (978) 264-9636
Selectman assigned: William Shupert – bos@acton-ma.gov

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Not Recommended	Not Recommended

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